

104TH CONGRESS  
1ST SESSION

# S. 15

To provide that professional baseball teams and leagues composed of such teams shall be subject to the antitrust laws.

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IN THE SENATE OF THE UNITED STATES

JANUARY 4, 1995

Mr. MOYNIHAN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide that professional baseball teams and leagues composed of such teams shall be subject to the antitrust laws.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Pastime Pres-  
5       ervation Act of 1995”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds that—

8               (1) the business of organized professional base-  
9       ball is in, or affects, interstate commerce; and

1           (2) the antitrust laws should be amended to re-  
2       verse the result of the decisions of the Supreme  
3       Court of the United States in *Federal Baseball Club*  
4       *of Baltimore, Inc. v. National League of Profes-*  
5       *sional Baseball Clubs*, 259 U.S. 200 (1922), *Toolson*  
6       *v. New York Yankees, Inc.*, 346 U.S. 356 (1953),  
7       and *Flood v. Kuhn*, 407 U.S. 258 (1972), which ex-  
8       empted baseball from coverage under the antitrust  
9       laws.

10   **SEC. 3. APPLICATION OF ANTITRUST LAWS TO PROFES-**  
11                           **SIONAL BASEBALL.**

12       The Clayton Act (15 U.S.C. 12 et seq.) is amended  
13   by adding at the end the following new section:

14       “SEC. 27. (a) IN GENERAL.—Except as provided in  
15   Public Law 87–331 (15 U.S.C. 291 et seq.) (commonly  
16   known as the ‘Sports Broadcasting Act of 1961’), the  
17   antitrust laws shall apply to the business of organized pro-  
18   fessional baseball.

19       “(b) APPLICATION OF SECTION.—This section—

20           (1) shall apply to any agreement that is in ef-  
21       fect on or after the date of enactment of this section  
22       and to conduct engaged in after that date in further-  
23       ance of that agreement or in furtherance of any  
24       other object; but

- 1 (2) shall not apply to conduct engaged in before
- 2 that date.”.

